

Message Text

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PAGE 01 STATE 177018
ORIGIN FBOE-00

INFO OCT-01 EUR-12 ISO-00 A-01 L-03 /017 R

DRAFTED BY A/FBO:PWSTANGE:ADC
APPROVED BY A/FBO:WLSLAYTON
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FM SECSTATE WASHDC
TO AMEMBASSY ROME IMMEDIATE
INFO AMCONSUL MILAN IMMEDIATE

UNCLAS STATE 177018

FRANKFURT FOR RSS/RTC

E.O. 11652: N/A

TAGS: ABLD, AFSP, ASEC

SUBJECT: SHORT-TERM LEASE OVER DOLS. 25,000 FOR NEW OB
MILAN

REF: (A) MILAN 1059, (B) 77 STATE 242879 AS AMENDED,
(C) 77 STATE 116117

1. ADDITIONAL CHANGES TO LEASE AGREEMENT AUTHORIZED
REFERENCE (B), AS SUBSEQUENTLY AMENDED, ARE APPROVED AS
PROPOSED IN PARAGRAPHS 4 AND 6 REFERENCE (A).

2. UNABLE UNDERSTAND NEED FOR CHANGE IN LEASE AGREEMENT
AS PROPOSED PARAGRAPH 3 REFERENCE (A). STATEMENT BY
ENTREPRENEURS LAWYER THAT LESSOR AND LESSEE FORMULATION
ARE NOT USED IN ITALIAN PRACTICE DOES NOT APPEAR CORRECT
FOR LEASE AGREEMENTS. ALL LEASES OF RECORD HERE WHICH
HAVE BEEN EXECUTED IN ITALY, INCLUDING THOSE IN MILAN
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CLEARLY ESTABLISH IDENTITY OF LESSOR AND LESSEE IN
OPENING PARAGRAPH WITH ALL SUBSEQUENT REFERENCES TO EITHER
PARTY CITED AS THE QUOTE LESSOR ENDQUOTE OR THE QUOTE
LESSEE ENDQUOTE AS APPROPRIATE.

3. AS STATED REFERENCE (C), THE CONTRACT BETWEEN THE
ENTREPRENEUR (RAS) AND THE USG FOR THEM TO CONSTRUCT A

BUILDING WHICH WE WILL LEASE UPON COMPLETION SHOULD BE ON A LEASE FORMAT. THIS IS OUR USUAL PRACTICE. THE DEPARTMENT DOES NOT HAVE AUTHORITY TO CONTRACT FOR CONSTRUCTION OF A BUILDING UNDER THE S AND E APPROPRIATION.

4. IN ORDER TO BREAK THE IMPASSE AND PERMIT TIMELY SIGNING OF THE CONTRACT, IF NECESSARY AND PROVIDED THE OPENING PARAGRAPH OF THE CONTRACT SPECIFICALLY ESTABLISHES THAT RAS IS THE LESSOR AND THE SECRETARY OF STATE IS THE LESSEE AND ARE TO BE SUBSEQUENTLY REFERRED TO AS QUOTE RAS ENDQUOTE OR QUOTE DEPARTMENT ENDQUOTE AS APPROPRIATE, AUTHORIZED SUBSTITUTE ALL REFERENCES IN THE LEASE TO QUOTE LESSOR ENDQUOTE WITH QUOTE RAS ENDQUOTE AND QUOTE LESSEE ENDQUOTE WITH QUOTE DEPARTMENT ENDQUOTE. CHRISTOPHER

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NNN

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